

§ 250.103 Performance requirements.

(a) Nothing in this part shall preclude the use of new or alternative techniques, procedures, equipment, or activities other than those prescribed in the regulations of this part; if such other techniques, procedures, equipment, or activities afford a degree of protection, safety, or performance equal to or better than that intended to be achieved by the regulations of this part, provided the lessee or right-of-way holder obtains the prior written approval of the District or Regional Supervisor, as appropriate, for the use of such new or alternative techniques, procedures, equipment, or activities.

(b) The appropriate MMS official may prescribe or approve departures from the operating requirements of the regulations of this part when such departures are necessary for the proper control of a well, the facilitation of the proper development of a lease, the conservation of natural resources, or the protection of life (including fish and other aquatic life), property, or the marine, coastal, or human environment.

[53 FR 10690, Apr. 1, 1988, as amended at 54 FR 50616, Dec. 8, 1989. Redesignated at 63 FR 29479, May 29, 1998]

§ 250.104 Jurisdiction.

(a) Subject to the supervisory authority of the Secretary, drilling and production operations, handling, measurement, transportation of production, and other operations and activities conducted pursuant to a lease or right-of-way by or on behalf of a lessee or right-of-way holder are subject to the regulations in this part and are under the jurisdiction of the Director.

(b) In the exercise of that jurisdiction, the Director is authorized and directed to act upon the requests, applications, and notices submitted under the regulations in this part to issue either written or oral orders to govern lease and right-of-way operations and to require compliance with applicable laws, regulations, and lease terms so that all operations conform to sound conservation practice and are conducted in a manner which will preserve, protect, and develop mineral resources of the OCS in a manner which

is consistent with the following need to:

- (1) Make such resources available to timely meet the Nation's energy needs;
- (2) Balance orderly energy resource development with protection of the human, marine, and coastal environments;
- (3) Ensure the public a fair and equitable return on the resources of the OCS;
- (4) Preserve and maintain free enterprise competition; and
- (5) Minimize or eliminate conflicts between the exploration, development, and production of oil and natural gas and the recovery of other resources such as fish and shellfish.

§ 250.105 Functions.

The Director, in accordance with the regulations in this part, shall accomplish the following:

(a) Regulate all operations conducted under a lease, right of use and easement, or right-of-way to promote orderly exploration, development, and production of mineral resources and to prevent unreasonable harm or damage to, or waste of, any natural resource (including any mineral deposits in areas leased or not leased), any life (including fish and other aquatic life), property, or the marine, coastal, or human environment.

(b) Require on all new drilling and production operations and, whenever practicable, existing operations, the use of BAST, which the Director determines to be economically feasible wherever failure of equipment would have a significant effect on safety, health, or the environment, except where the Director determines that the incremental benefits are clearly insufficient to justify the incremental cost of utilizing such technologies.

(c) Conduct a scheduled onsite inspection at least once a year of each offshore facility which is subject to environmental or safety regulations promulgated pursuant to the Act. The inspection shall be to determine that environmental protection equipment and safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents have been installed and are operating properly in